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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA — SAN JOSE DIVISION

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JOE GALLEGOS,

Federal Case No.: 5:16-CV-04636-HRL

Plaintiff,

**PLAINTIFF'S NOTICE OF VOLUNTARY
DISMISSAL OF DEFENDANT WEST
AMERICA BANK PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 41(A)(1)**

vs.

EQUIFAX, INC.; et. al.,

Defendants.

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PLEASE TAKE NOTICE that Plaintiff Joe Gallegos, pursuant to Federal Rule of Civil Procedure 41(a)(1), hereby voluntarily dismisses Defendant West America Bank as to all claims in this action, with prejudice.

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Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

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41(a) Voluntary Dismissal

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(1) By the Plaintiff

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(a) Without a Court Order. Subject to Rules 23(3), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

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(1) a notice of dismissal before the opposing party serves either an answer

1 or a motion for summary judgment.

2 Defendant West America Bank has neither answered Plaintiff's Complaint, nor filed a
3 motion for summary judgment. Accordingly, the matter may be dismissed against it for all
4 purposes and without an Order of the Court.

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6 Dated: October 21, 2016

Sagaria Law, P.C.

7 By: /s/ Elliot W. Gale
8 Elliot W. Gale
9 Attorneys for Plaintiff
10 Joe Gallegos

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